

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

2005 APR -4 PM 3:18

JEROME K. HAMILTON,
PLAINTIFF,

v.

FAITH LEAVY, et al.
DEFENDANTS.

Civil Action No.94-336-KAJ*

"NOTICE OF APPEAL"

NOTICE OF APPEAL

Notice is hereby given that I, PLAINTIFF/JEROME HAMILTON/
Pro Se, Appeals to United States Court Of Appeals For The Third Circuit
from the Judgment /of/Jury Verdict on March 17,2005.

The Grounds For This Appeal Are As Follow:

1. The district court/Judge Kent A. Jordan, abuse their discretion by denying plaintiff, to see crucial documents discovery under the Federal Rules of Civil Procedure.

2. The district court Judge/Kent A. Jordan, abuse their discretion by excluding evidence from the jury at side bar discussions.- That would of supported plaintiff claim which was crucial evidence.

3. The district court/Judge Kent A. Jordan, abuse their discretion on court jury instruction on the constitutional violation.

4. The district court/Judge Kent A. Jordan, abuse their discretion by giving a jury instruction on superseding cause.

5. The district court/Judge Kent A. Jordan, abuse their discretion by giving the defendants additional peremptory challenges.

6. The district court/Judge Kent A. Jordan, abuse their discretion by instructing the jury that the State of Delaware and the Department of Correction were not defendants.

7. The district court/Judge Kent A. Jordan, abuse their - discretion by the court ruling permitting expert testimony from John Po- -lk, to testify.

8. The district court/Judge Kent A. Jordan, did abuse th- -eir discretion by the exclusion of evidence related to the plaintiff - correct release date from term of incarceration.

9. The district court/Judge Kent A. Jordan, abuse their discretion by limiting instruction on the prison classification manual.

10. The district court/Judge Kent A. Jordan, did abuse - their discretion by refusing to allow the juror to see document that de- -al with the grievance that plaintiff file, when the correcyional officer Simpson who call plaintiff snitch.

11. The district court/Judge Kent A. Jordan, did abuse - their discretion by calling for side bar conference with attorney's and the plaintiff and members of the jury couldn't heard anything that was b- -eing spoken.

12. Plaintiff/Jerome K. Hamilton, Pro Se, will be raising on appeal claim that the jury's verdict was against the great weight of - the evidence.

13. Plaintiff/Jerome K. Hamilton, Pro Se, will be raising on appeal that Mr. John W. Shaw, Esquire, never raised any objections on - plaintiff behalf, concerning evidence that was excluded by court at the - side bar discussion's.

14. Plaintiff/Jerome K. Hamilton, Pro Se, will be raising on appeal that Mr. John W. Shaw, Esquire, never call any of plaintiff wit- -ness's that heard correctional officer Simpson, call plaintiff a snitch.

15. Plaintiff/Jerome K. Hamilton, Pro Se, will be raising on appeal that plaintiff/Attorney John W. Shaw, call any of plaintiff wit- -ness's that set on grievance hearing which heard and decide that it was - inapproiated for correctional officer Simpson, to call plaintiff a snitch in front of all them inmates on/1E-Pod.

16. The district court/Judge Kent A. Jordan, did abuse - their discretion by dismissing defendant's from the case which was in err- -or.

17. Plaintiff/Jerome K. Hamilton/Pro Se, will be - raising on appeal that plaintiff/Attorney John W. Shaw, also refused to call another witness Stephen M. Walther.

18. Plaintiff/Jerome K. Hamilton/Pro Se, also will be raising on appeal all the side bar discussion, that the plaintiff and the jury's couldn't heard or hear. Plaintiff/Hamilton, want to preserved the record because plaintiff want to object to all them side bar discussion.

19. Plaintiff/Jerome K. Hamilton/Pro Se, will also be raising on appeal that plaintiff/Attorney John W. Shaw, failure to act by producing a copy of the (Steven Clayton) entire prison record. Mr. Clayton, violent and disruptive, dangerous's behavior within the prison system.

Dated: April 3, 2005.

Respectfully Submitted

Jerome K. Hamilton, a.k.a. Cheikh Elahm

Plaintiff/Jerome K. Hamilton

Pro Se,

320 East Fifth Street/Apt.#609

Wilmington, Delaware. 19801

Subscribed before me, this 4th day

April, 2005

Shayla Russell

- Certificate Of Service -

State Of Delaware
New Castle County

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) SS:

BE IT REMEMBER, THAT I PLAINTIFF/JEROME K. HAMILTON, Pro Se, being first duly sworn according to law and the penalty of perjury on April 3, 2005. (Attached Notice Of Appeal). And this document will be - mail first class and sent to below person's:

1. Office Of The Clerk
United States District Court
844 North King Street/Lockbox 18
Wilmington, Delaware. 19801-3570
2. Office Of The Clerk
United States Court Of Appeal
For The Third Circuit
21716 United States Courthouse
601 Market Street
Philadelphia, PA. 19106-1790
3. Marc P. Niedzielski, Esquire
Thomas H. Ellis, Esquire
Ralph K. Durstein, Esquire
Richard W. Hubbard, Esquire
Aaron R. Goldstein, Esquire
Department of Justice
Carvel State Building, 6th Floor.
820 North French Street
Wilmington, Delaware. 19801

Respectfully Submitted
Jerome K. Hamilton
Plaintiff/Jerome K. Hamilton
Pro Se,